

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

JON GERMAIN, ELIZABETH GERLACH,
AMBER RHY, ANGELA MIDDLETON,
BRUCE MIDDLETON, JENNIFER PRISSEL
and TODD PRISSEL, on behalf of themselves
and all others similarly situated,

Plaintiff,

v.

Case No. 13-CV-00676

BANK OF AMERICA, N.A.,

Defendant.

DEFENDANT'S MOTION TO DISMISS THE AMENDED COMPLAINT

PLEASE TAKE NOTICE that the Defendant, Bank of America, N.A., moves the Court for an order under Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Amended Complaint with prejudice for failure to state a claim on which relief can be granted. The motion is supported by the Brief in Support of Defendant's Motion to Dismiss the Amended Complaint and the Supplemental Declaration of Valerie Bailey-Rihn, which are also being filed and served today.

During the parties' Rule 26(f) preliminary pretrial conference, the parties stipulated to a briefing schedule to address this motion, and they incorporated the schedule into the Order issued by this court on December 27, 2013, Docket # 29. Pursuant to the Order, Defendant asks the Court to set the following deadlines: Plaintiffs' Response will be filed by January 20, 2014 and Defendant's Reply will be filed by February 14, 2014.

Dated January 8, 2014.

Valerie L. Bailey-Rihn
State Bar No. 1000728
Rachel A. Graham
State Bar No. 1069214

/s/ Valerie L. Bailey-Rihn

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